

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1469 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 20-10.1-22.4-3 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2001]: **Sec. 3. (a) As used in this section,**
- 6 **"juvenile justice agency" has the meaning set forth in IC 5-2-5.1-6.**
- 7 **(b) A school corporation or other entity to which the education**
- 8 **records privacy provisions of the federal Family Educational and**
- 9 **Privacy Rights Act (20 U.S.C. 1232g) apply may disclose or report**
- 10 **on the education records of a child, including personally**
- 11 **identifiable information contained in the education records,**
- 12 **without the consent of the child's parent, guardian, or custodian,**
- 13 **under the following conditions:**
- 14 **(1) The disclosure or reporting of education records is to a**
- 15 **state or local juvenile justice agency.**
- 16 **(2) The disclosure or reporting relates to the ability of the**
- 17 **juvenile justice system to serve, before adjudication, the**
- 18 **student whose records are being released.**
- 19 **(3) The juvenile justice agency receiving the information**
- 20 **certifies, in writing, to the entity providing the information**
- 21 **that the agency or individual receiving the information has**
- 22 **agreed not to disclose it to a third party, other than another**
- 23 **juvenile justice agency, without the consent of the child's**
- 24 **parent, guardian, or custodian.**
- 25 **(c) For purposes of subsection (b)(2), a disclosure or reporting**
- 26 **of education records concerning a child who has been adjudicated**
- 27 **as a delinquent child shall be treated as related to the ability of the**
- 28 **juvenile justice system to serve the child before adjudication if the**
- 29 **juvenile justice agency seeking the information provides sufficient**
- 30 **information to enable the keeper of the education records to**
- 31 **determine that the juvenile justice agency seeks the information in**

- 1 **order to identify and intervene with the child as a juvenile at risk**
- 2 **of delinquency rather than to obtain information solely related to**
- 3 **supervision of the child as an adjudicated delinquent child."**
- 4 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1469 as printed March 23, 2001.)

Senator LUBBERS